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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CAROL GRUCHALA

Appeal 2009-000146
Application 09/652,540
Technology Center 2600

Decided: September 23, 2009

Before KENNETH W. HAIRSTON, KARL D. EASTHOM
and ELENI MANTIS MERCADER, *Administrative Patent Judges*.
HAIRSTON, *Administrative Patent Judge*.

DECISION ON APPEAL

This is an appeal under 35 U.S.C. §§ 6(b) and 134 from the final rejection of claims 1 to 17. We will reverse.

The disclosed invention relates to a telecommunication method and system in which a menu of destination options to which a telephone call may be routed is provided to the telephone caller (Figs. 1, 2; Spec. 3, 4, 12; Abstract).

Claim 1 is representative of the claims on appeal, and it reads as follows:

1. A method of providing a telecommunication service, the method comprising:

providing a menu to a caller from a telephone network element in a telephone call, the menu providing a plurality of destination options including a first destination option for a residence of a family, a second destination option for a first member of the family at a first location other than the residence, and a third destination option for a second member of the family at a second location other than the residence;

receiving from the caller, a first selection of one of the destination options in the telephone call at a switch located within a public switched network;

using a service control point coupled to the switch to route the telephone call to a first telephone number corresponding to the first telephone selection;

after said routing the telephone call to the first telephone number, detecting an originating dual-tone multi-frequency trigger from the caller in the telephone call at the switch;

after said detecting:

interrupting the telephone call to the first telephone number;

receiving from the caller, a second selection of one of the destination options in the telephone call at the switch; and

using the service control point to route the telephone call to a second telephone number corresponding to the second selection.

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Caveney	US 5,953,401	Sep. 14, 1999
Contractor	US 6,879, 676 B1	Apr. 12, 2005 (filed Jun. 29, 2000)

The Examiner rejected claims 1 to 17 under 35 U.S.C. § 103(a) based upon the teachings of Contractor and Caveney.

Contractor describes a system in which a caller to a central number for a family of automobile dealerships is presented a menu from which the caller may select a particular type of dealer (e.g., press 1 for the Ford dealer, press 2 for the Chevrolet dealer, press 3 for the Honda dealer, and so forth). (Figs. 2a, 2b; col. 5, ll. 21 to 58). Once a menu selection is made, the telephone call is thereafter handled by the system as opposed to the caller.

Caveney describes a call processor that allows a telephone caller to route a call to another destination without operator assistance and without receiving a voice generated message (Abstract; col. 1, ll. 36 to 53). The call processor allows Caveney to dial other extensions without hanging up and losing the already established call (col. 1, ll. 54 to 59). By dialing a predetermined signal (e.g., an asterisk) to obtain a dial tone using a dual-tone multi-frequency (DTMF) trigger, the caller can then dial other extensions with the call processor (col. 2, ll. 31 to 38; col. 4, ll. 29 to 34).

The Examiner acknowledges (Final Rej. 3) that “Contractor does not teach detecting an originating dual-tone multi-frequency (DTMF) trigger in the telephone call; interrupting the telephone call to the first telephone number; receiving a second selection of one of the destination options in the telephone call; and routing the telephone call to a second telephone number

corresponding to the second selection.” According to the Examiner (Final Rej. 3), “Caveney teaches detecting a DTMF trigger in the telephone call after the detecting; receiving a second selection of one of the destination options and routing the telephone call to the desired selection (col. 4, ll. 29-34).” The Examiner contends (Final Rej. 3) that it would have been obvious to one of ordinary skill in the art “to incorporate the teachings of Caveney into the teachings of Contractor thus having a flexible and sufficient system by allow[ing] the caller upon completion of his discussion with a particular extension or upon receiving a busy signal to be able to dial other extension[s] without losing the line.”

Appellant argues *inter alia* (App. Br. 5) that the skilled artisan would not have made the modification suggested by the Examiner because Contractor presents a voice generated routing menu to the caller, and because Caveney seeks to avoid presenting such voice generated menu messages to a caller.

As indicated *supra*, Contractor presents a voice generated routing menu to a caller, but lacks a DTMF trigger. Caveney uses a DTMF trigger in the routing of a call to another extension, but seeks to avoid the use of a voice generated menu of options. Inasmuch as the system in Contractor automatically takes over control of the call after the menu selection by the caller, Contractor does not have any need of a DTMF trigger as taught by Caveney or any other system feature that would place the user back in control of the call. Although Caveney uses a DTMF trigger, he specifically seeks to avoid the use of a voice generated menu of options for use by the caller. Thus, we agree with the Appellant’s argument that the skilled artisan

would not have combined the teachings of the applied references to arrive at the claimed invention. In summary, the obviousness rejection of claims 1 to 17 is reversed because the Examiner's articulated reasons for combining the teachings of the references to Contractor and Caveney do not support a legal conclusion of obviousness. *KSR Int'l v. Teleflex, Inc.*, 550 U.S. 398, 418 (2007).

The decision of the Examiner is reversed.

REVERSED

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